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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,890	01/16/2004	Kyle Jeffrey Charlet	SVL920030111US1	6994
45112	7590	06/18/2007		
Kunzler & McKenzie 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER ALAM, SHAHID AL	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/758,890	Applicant(s) CHARLET ET AL.	
	Examiner Shahid Al Alam	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01162004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1 – 20 are pending in this Office action.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 9, the term “associate” or “associating” is unclear, because associate or associating could mean grouping or comparing.

With respect to claim 17, the term “coupling” is unclear, because coupling could mean unites or connects. It is not clear how coupling to do with database schema and document schema.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims (1, 9 and 17) lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or act to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

The claim recites accessing a database schema, accessing a document schema and associating or coupling the database schema and the document schema to provide a metadata schema that enables data to be passed between an XML document and the hierarchical database.

The invention as recited in the above claims associate or couple two different schema to provide another schema, namely metadata schema. It is unclear as to what kind of tangible output is obtained by associating or coupling two different schema to provide metadata schema. Use of associating or coupling schemas do not provide useful results because there is no execution and storing involved.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 8, 9, 16 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art consist of RELATED ART paragraphs [002 – 012] (hereinafter "APA").

With respect to claims 1, 9 and 17, APA discloses accessing a database schema indicative of database field names and a hierarchical structure for a hierarchical database; accessing a document schema that defines the hierarchical structure, content data syntax, and semantics of valid, well-formed, XML documents that can be passed into and out of the hierarchical database, the document schema including an XML element name that maps to a database field name in the database schema; and coupling the database schema and the document schema to provide a metadata schema that enables data to be passed between an XML document and the hierarchical database (APA: paragraphs [002 – 006], [009 – 010] and [012]).

As to claims 8 and 16, the hierarchical database comprises an Information Management System (IMS) database (APA: paragraph [012]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 3, 10, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA as applied to claims 1, 9 and 17 above, and further in view of U.S. Patent Number 6,871,204 issued to Muralidhar Krishnaprasad et al. ("Krishnaprasad").

With respect to claims 2, 3, 10, 11, 18 and 19, APA does not explicitly disclose the document schema comprises an XML schema that complies with an industry standard for XML schemas and wherein the industry standard for XML schemas comprises version 1.0 as set forth by the World Wide Web Consortium as claimed.

Krishnaprasad discloses claimed the document schema comprises an XML schema that complies with an industry standard for XML schemas and wherein the industry standard for XML schemas comprises version 1.0 as set forth by the World Wide Web Consortium (column 1, lines 42 – 52).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify APA with the teachings of Krishnaprasad to provide techniques for transforming relational data into XML and XML into relational data in an intelligent, flexible and efficient manner (column 1, lines 65 – 67; Krishnaprasad).

7. Claims 4,12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA as applied to claims 1, 9 and 17 above, and further in view of U.S. Patent Publication Number 2003/0226109 A1 issued to Dan Adamson et al. ("Adamson").

With respect to claims 4, 12 and 20, APA does not explicitly disclose the database schema comprises a predefined database schema comprising a set of java classes representative of one or more nodes and one or more fields of the hierarchical database as claimed. Adamson discloses claimed the database schema comprises a predefined database schema comprising a set of java classes representative of one or more nodes and one or more fields of the hierarchical database (see Figure 2, paragraph [0029]).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify APA with the teachings of Adamson to allow seamless integration of the ontology with various process including but not limited to transmission, discovery, notification , searching, filtering and storage process (Abramson: paragraph [0021]).

***Allowable Subject Matter***

8. Claims 5 – 7 and 13 – 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.




***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Shahid Al Alam  
Primary Examiner  
Art Unit 2162

June 10, 2007